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AUG 27 2004

OFFICE OF PETITIONS

In re Application of
James Comb
Application No. 10/025,207
Filed: December 18, 2001
Attorney Docket No. S697.12-0059

ON PETITION

This is a decision on the petition under 37 CFR 1.137(f), filed May 26, 2004, to revive the instant nonprovisional application.

The petition is **GRANTED**.

The above-identified application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The director may require additional information where there is a question whether the delay was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). The nonpublication request has been rescinded.

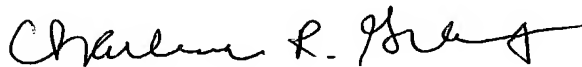
Accordingly, the failure to timely notify the Office of a foreign filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

A Corrected Filing Receipt which sets forth the projected publication date accompanies this decision on petition.

A Notice of Allowability and a Notice of Allowance and Issue Fee were mailed in this case on May 21, 2004. However, in view of the nonpublication request filed with this application, the Notice of Allowance mailed in this case did not require the submission of publication fee. Therefore, in view of the rescinding of the nonpublication request, a Notice of Publication Fee Due is being mailed concurrently with this decision under separate cover. Petitioner should note that payment of the publication fee is required to be filed within the period set forth in the Notice to avoid abandonment of the application.

This application is being forwarded to the Office of Publication to await a reply to the Notice of Publication Fee Due.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-0251.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions